IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRI.APPEAL NO.1030 OF 2004

The State of Maharashtra ..Appellant
Vs.
Janardhan Atmaram Ghadge
and Ors. ..Respondents

...

Mr.A.R.Patil APP for Appellant-State
Mr.M.S.Mohit, Advocate for Respondent Nos.1 to 5

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : NOVEMBER 29, 2007

P.C.

1. The Appellant-State has filed this Appeal against the judgment and order dated 29.11.2003 passed by the learned VIIIth Addl. Sessions Judge, Satara in Sessions Case No.78 of 1999. By the said judgment and order, the learned Judge acquitted the Respondents-accused of the offences under Sections 306 and 498-A r.w. 34 of the IPC.

2. Heard the learned APP for the Appellant-State. I have perused the judgment and order and the evidence produced by the learned APP for the Appellant.

3. The prosecution case is that Anjana was married

to Respondent No.1 in the year 1991. Atmaram Ghatge is father of Respondent Nos.1 to 3 and 5. Atmaram was original accused no.2. However, it may be stated that Atmaram expired before the present appeal came to be filed. As per the prosecution case, after the marriage, Anjana went to reside with her husband and in laws. She was harassed and treated with cruelty, hence, in the year 1995, she went back to her father i.e. P.W.1 Dnyanu Katkar. She stayed in her parental home till 8.6.1998. On 8.6.1998 the accused persons promised the complainant P.W.1 Dnyanu that they would treat Anjana well and she should be sent to her matrimonial house. Hence, on 9.6.1998 the complainant took Anjana to her matrimonial home and left her there. Anjana expired on 22.9.1998 on account of committing suicide after consuming poison. After perusal of the evidence it is seen that the learned Sessions Judge came to the conclusion that there is no allegation against the present respondents after 9.6.1998 when Anjana went to reside with her husband and in laws. There is no evidence of any illtreatment or cruelty to Anjana at the hands of any of the respondents from 9.6.1998 to 22.9.1998. The allegation against the

present respondents pertain to the period prior to August 1995. The death of Anjana on 22.9.1998 cannot be attributed to the illtreatment or cruelty by the present respondents prior to August, 1995. All the allegations against the Respondents were related to the period prior to August, 1995 and prior to resumption of cohabitation by Anjana with Respondent No.1 in the year 1998. After Anjana came back to her matrimonial home on 9.6.1998, there is only one incident of demand of money from the complainant. This demand has not been made by any of the present respondents but it has been made by original accused no.2 Atmaram who has expired prior to the filing of the present appeal. None of the witnesses have deposed in respect of any of the present respondents after Anjana went to her matrimonial home on 9.6.1998. The learned Sessions Judge has considered the evidence and come to the conclusion that the present Respondents could not be held responsible for the death of Anjana on 22.9.1998. Looking to the evidence on record, I am of the opinion that the view taken by the learned Sessions Judge is a reasonable and possible view.

4. It is well settled that if the view of

acquittal could have been reasonably arrived at then the mere circumstance that the appellate Court would have taken a different view, would be no ground to interfere. In this connection, there is no dearth of authorities but to eschew prolixity, I am referring to only two of them i.e. **AIR 1971 S.C. 66 Khedu Mohton and Ors. Vs. State of Bihar and C. Anthony Vs. K.G.Raghavan Nair (2003) 1 SCC 1.** In the case of **C.Anthony**, the Supreme Court has observed that unless the findings of the trial Court are perverse or contrary to the material on record, the High Court cannot in appeal substitute its findings, merely because another contrary opinion was possible on the basis of material on record. As stated earlier, the view taken by the learned Judge is a reasonable and possible view, hence, no interference is called for.

5. In this view of the matter, appeal is dismissed.

[SMT. V.K.TAHILRAMANI,J.]